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Attorneys for Federal Defendants:  
United States of America; United  
States Department of Health and  
Human Services; Family Healthcare  
Network; Melanie Murphy, D.D.S.;  
Noah Alex Agard, D.D.S.; Henry  
Camilo Cisneros, Jr., D.D.S.;  
Guadalupe Quezada, D.D.S.; and  
Antonio F. Sanchez, M.D.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UVALDO VALENCIA; MARIA )  
VALENCIA; ALEJANDRO )  
VALENCIA; JOSE VALENCIA; )  
ABEL VALENCIA; SOTERO )  
VALENCIA; and GUSTAVO )  
VALENCIA, individually and )  
as successors in interest )  
for Gracia Valencia de )  
Viveros, )  
Plaintiffs, )  
v. )  
FAMILY HEALTHCARE NETWORK; )  
MELANIE MURPHY, D.D.S.; NOAH )  
ALEX AGARD, D.D.S.; HENRY )  
CAMILO CISNEROS, JR., )  
D.D.S.; GUADALUPE QUEZADA, )  
D.D.S.; ANTONIO F. SANCHEZ, )  
M.D.; PUBLIC HEALTH SERVICE; )  
THE UNITED STATES DEPARTMENT )  
OF HEALTH AND HUMAN )  
SERVICES; THE UNITED STATES )  
OF AMERICA, and DOES 1-50, )  
inclusive, )  
Defendants. )

) 1:05-cv-0472 AWI LJO  
NOTICE OF SUBSTITUTION OF THE  
UNITED STATES AS PROPER PARTY  
DEFENDANT IN LIEU OF THE FEDERAL  
DEFENDANTS AND DISMISSAL OF  
FEDERAL DEFENDANTS PURSUANT TO  
OFFICIAL IMMUNITY; ORDER THEREON

1 TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
2 THE EASTERN DISTRICT OF CALIFORNIA:

3 PLEASE TAKE NOTICE that the Federal Defendants United  
4 States Department of Health and Human Services; Family Healthcare  
5 Network; Melanie Murphy, D.D.S.; Noah Alex Agard, D.D.S.; Henry  
6 Camilo Cisneros, Jr., D.D.S.; Guadalupe Quezada, D.D.S.; and  
7 Antonio F. Sanchez, M.D. have been deemed eligible for coverage  
8 under the Federal Tort Claims Act (FTCA) (28 U.S.C. §§ 1346(b),  
9 2671-2680) pursuant to provisions of the FFHCAA, cited above, and  
10 to have been acting within the scope of what is deemed under the  
11 FFHCAA to be federal employment at all times relevant to the  
12 complaint. See Attachment A (Certification by the United States  
13 Attorney, through his authorized designee, that federal  
14 defendants were acting within the scope of what is deemed to be  
15 federal employment at the time of the alleged conduct giving rise  
16 to the complaint).

17 WHEREFORE, the United States respectfully submits that this  
18 Notice Substitutes the United States as the proper party  
19 defendant in lieu of the federal defendants and dismisses federal  
20 defendants pursuant to their official immunity.

21  
22 DATED: January 10, 2006

Respectfully submitted,

23 McGREGOR W. SCOTT  
United States Attorney

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25 By: /s/ Kristi C. Kapetan  
26 KRISTI C. KAPETAN  
Assistant U. S. Attorney

## ORDER

IT IS SO ORDERED.

**Dated:** January 11, 2006  
0m8i78

/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE